

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

MID-CONTINENT MARINE INC., D/B/A
MID CONTINENT MARINE PARTNETSHIP,
Plaintiff

v.

CIVIL NO. 04-2092(DRD)

CARGO MANAGEMENT, et al.,
Defendants

ORDER

Pending before the Court is plaintiffs' *Motion for Voluntary Dismissal Pursuant to Rule 41(a)(2) FRCP* (Docket No. 48) moving the Court to voluntarily dismiss plaintiffs' claims against co-defendants Antonio Rodriguez-Tirador, his wife, and the community property existing between them without prejudice under Rule 41(a)(2), Fed.R.Civ.P. Further, plaintiffs also request that the counterclaims filed by said co-defendants at Docket No. 47 be dismissed.

Therefore, pursuant to Rule 41(a)(1)(ii), Fed.R.Civ.P., the Court hereby **ORDERS** defendants to express whether consent is entered to dismiss plaintiffs' claims against co-defendants Antonio Rodriguez-Tirador, his wife, and the community property existing between them, and whether said defendants are willing to dismiss their counterclaims against plaintiffs. Co-defendants shall file their motion entering consent to plaintiffs' request for dismissal and/or whether said co-defendants' counterclaims are voluntarily dismissed **on or before the 13th day of June 2006**. **Defendants are forewarned that failure to timely comply with this Order shall be deemed by the Court as expressly entering consent to plaintiffs' request for the dismissal without prejudice of the complaint and simultaneously requesting the voluntary dismissal without prejudice of co-defendants' counterclaims against plaintiffs. Finally, defendants are further forewarned that any request for an extension of time shall be SUMMARILY DENIED.**

IT IS SO ORDERED.

In San Juan, Puerto Rico this 6th day of June 2006.

S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE